

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF HIGHLAND PARK,

Plaintiff,

Case No. 2:16-cv-13840

HONORABLE STEPHEN J. MURPHY, III

v.

ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

**ORDER DENYING RENEWED MOTION TO
ENFORCE JUDGMENT [165] AND TO SHOW CAUSE
FOR WHY DEFENDANTS SHOULD NOT BE SANCTIONED**

The Court enjoined Defendants Great Lakes Water Authority (“GLWA”) and Susan McCormick collectively (“GLWA Defendants”) “from instituting any other action in any state or federal court against Plaintiff City of Highland Park for the recovery of the attorneys’ fees award granted in this case until after the Sixth Circuit resolves the appeal and returns a mandate.” ECF 164, PgID 7111. The Court also explained that the enjoinder would be lifted “if Plaintiff City of Highland Park does not post the supersedeas bond by June 1, 2022.” *Id.* (emphasis omitted).

The City timely posted the bond with the Court’s treasury. Exhibit A; *see also* ECF 166-1, PgID 7144. But the GLWA Defendants, through counsel Mr. John F. Rhoades, renewed their motion to enforce the judgment on June 3, 2022. ECF 165. The GLWA Defendants believed that the City “failed to post bond by June 1st and

has still not posted any bond.” *Id.* at 7118–19. The Court will deny the renewed motion because the GLWA Defendants are still enjoined.¹

“[D]istrict courts have the inherent authority to award fees when a party litigates in bad faith, vexatiously, wantonly, or for oppressive reasons.” *First Bank of Marietta v. Hartford Underwriters Ins. Co.*, 307 F.3d 501, 512 (6th Cir. 2002) (cleaned up). District courts may also “order an attorney, law firm, or party to show cause why conduct . . . has not violated Rule 11(b).” Fed. R. Civ. P. 11(c)(3). And district courts may fine an attorney for conduct that “so multiplies the proceedings in any case unreasonably and vexatiously.” 28 U.S.C. § 1927.

Because the renewal motion violated the Court’s order, ECF 165, the motion appears unreasonable, brought in bad faith, presented to harass, and lacks any evidentiary support. *See* Fed. R. Civ. P. 11(b)(1)–(4). Indeed, the renewal motion never asserted that the GLWA Defendants sought concurrence in the motion under Local Rule 7.1(a). *See* ECF 165. The Court will therefore order the GLWA Defendants to show cause for why they and their attorneys should not be sanctioned under the Court’s inherent power, Civil Rule 11(c)(3), or under 28 U.S.C. § 1927 for violating the Court’s enjoinderment order and be ordered to pay the attorney’s fees incurred by the City for filing the response, ECF 166.

WHEREFORE, it is hereby **ORDERED** that the renewed motion to enforce the judgment [165] is **DENIED**.

¹ The GLWA Defendants later withdrew their renewed motion, ECF 167, after the City’s counsel filed a response to the motion, ECF 166.

IT IS FURTHER ORDERED that the GLWA Defendants must **SHOW CAUSE** for why they or their attorneys should not be sanctioned **no later than June 16, 2022**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 6, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 6, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager

EXHIBIT A



U.S. District Court

Michigan Eastern - Detroit

THIS IS A COPY

Receipt Date: May 24, 2022 10:39AM

HIGHLAND PARK, CITY OF

Rcpt. No: 150000094

Trans. Date: May 24, 2022 10:39AM

Cashier ID: #BH

CD	Purpose	Case/Party/Defendant	Qty	Price	Amt
701	Treasury Registry	DMIE216CV013840 /001 HIGHLAND PARK, CITY OF	1	241418.75	241418.75

CD	Tender			Amt
CH	Check	#001618742	05/23/2022	\$241,418.75
Total Due:				\$241,418.75
Total Tendered:				\$241,418.75
Total Cash Received:				\$0.00
Cash Change Amount:				\$0.00

Only when the bank clears the check, money order, or verifies credit of funds, is the fee or debt officially paid or discharged. A \$53 fee will be charged for a returned check.